

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Griffin Sherbert	Team: Squad #10	CCRB Case #: 202103607	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 06/15/2021 7:46 PM, Tuesday, 06/15/2021 8:00 PM, Wednesday, 06/16/2021 2:20 AM	Location of Incident: In front of § 87(2)(b) 79th Precinct Stationhouse	Precinct: 79	18 Mo. SOL 12/15/2022	EO SOL 12/15/2022	
Date/Time CV Reported Tue, 06/15/2021 9:09 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 06/15/2021 9:09 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Pascual Melo	06249	966218	PSA 3
2. POM Jorge Santos	16416	966840	PSA 3
3. PO Javier Ramirez	07161	959111	079 PCT
4. PO Luis Sandres	04509	964752	PSA 3
5. PO Mohammad Abdelfattah	00603	965915	PSA 3
6. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Keron Edwards	17491	958544	079 PCT
2. PO Leticia Dumasgalindo	02316	964498	079 PCT
3. PO Christopher Atancuri	27941	968948	079 PCT
4. PO Jean Charles	16582	929875	079 PCT
5. PO Aaron Husbands	04274	965752	079 PCT
6. PO Benjamin Rodriguez	10403	965843	079 PCT
7. SGT Mark Xylas	01685	948160	GVSD Z1 VRTF
8. SGT James Pascucci	03441	947326	PSA 3
9. PO Kenneth Metten	29859	933028	BLDG MAINT
10. PO Delinda Giraldo	21529	953911	PSA 3
11. PO Vanessa Garland	02605	946820	TRN BUR
12. PO Shaun Clarke	07769	955823	MELD
13. LT Louis Martinez	00000	949266	079 PCT
14. SGT Melvin Clarke	01380	955822	081 PCT
15. PO Christopher Bowie	01121	953697	079 PCT
16. PO Greydy Mercedes	09619	956926	079 PCT
17. PO Cory Levy	19666	958812	PSA 3
18. PO Moses Lebron	09546	956831	079 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
19. PO Ayrton Abril	27625	968912	079 PCT
20. LT Alexandry Montero	00000	937126	BK TRAN ROB SQD
21. PO Isaiah Salcedo	10520	962077	PSA 3
22. PO Sigfrido Chavez	20655	951607	PSA 3
23. PO Rijana Goldstein	24219	963273	PSA 3
24. PO Kristal Ramos	23995	967279	PSA 3
25. SGT Jhonnatan Sanchezpena	03779	947455	PSA 3
26. PO Edjona Rexha	12813	966301	079 PCT
27. PO Michael Marrero	24139	964139	079 PCT
28. PO Mohammad Rizwan	15885	953321	PSA 3
29. Wilbert Philippe	22041	959893	
30. PO Gabriel Andrew	18589	954487	PSA 3
31. SGT Gregg Minardi	00608	940475	INT FIO PRG

Officer(s)	Allegation	Investigator Recommendation
A.POM Pascual Melo	Abuse: On June 15, 2021, in front of § 87(2)(b) Police Officer Pascual Melo stopped the vehicle in which § 87(2)(b) was an occupant.	
B.POM Jorge Santos	Abuse: On June 15, 2021, in front of § 87(2)(b) Police Officer Jorge Santos stopped the vehicle in which § 87(2)(b) was an occupant.	
C.PO Mohammad Abdelfattah	Abuse: On June 15, 2021, in front of § 87(2)(b) Police Officer Mohammad Abdelfattah stopped the vehicle in which § 87(2)(b) was an occupant.	
D.PO Mohammad Abdelfattah	Discourtesy: On June 15, 2021, in front of § 87(2)(b) Police Officer Mohammad Abdelfattah spoke discourteously to § 87(2)(b)	
E.POM Pascual Melo	Discourtesy: On June 15, 2021, in front of § 87(2)(b) Police Officer Pascual Melo spoke discourteously to § 87(2)(b)	
F.POM Pascual Melo	Force: On June 15, 2021, in front of § 87(2)(b) Police Officer Pascual Melo used physical force against § 87(2)(b)	
G.POM Jorge Santos	Force: On June 15, 2021, in front of § 87(2)(b) Police Officer Jorge Santos used physical force against § 87(2)(b)	
H.POM Pascual Melo	Force: On June 15, 2021, in front of § 87(2)(b) Police Officer Pascual Melo used physical force against an individual.	
I.PO Mohammad Abdelfattah	Force: On June 15, 2021, in front of § 87(2)(b) Police Officer Mohammad Abdelfattah used physical force against § 87(2)(b)	
J.PO Javier Ramirez	Force: On June 15, 2021, in front of § 87(2)(b) Police Officer Javier Ramirez used physical force against an individual.	
K.PO Luis Sandres	Force: On June 15, 2021, in front of § 87(2)(b) Police Officer Luis Sandres used physical force against an individual.	

Officer(s)	Allegation	Investigator Recommendation
L.PO Mohammad Abdelfattah	Abuse: On June 15, 2021, at the 79th Precinct stationhouse, Police Officer Mohammad Abdelfattah strip-searched § 87(2)(b) at the 79th Precinct stationhouse.	
M.POM Pascual Melo	Abuse: On June 16, 2021, at the 79th Precinct stationhouse, Police Officer Pascual Melo searched the vehicle in which § 87(2)(b) was an occupant at the PSA 3 stationhouse.	
N.POM Jorge Santos	Abuse: On June 16, 2021, at the 79th Precinct stationhouse, Police Officer Jorge Santos searched the vehicle in which § 87(2)(b) was an occupant at the PSA 3 stationhouse.	
O.PO Mohammad Abdelfattah	Abuse: On June 16, 2021, at the 79th Precinct stationhouse, Police Officer Mohammad Abdelfattah searched the vehicle in which § 87(2)(b) was an occupant at the PSA 3 stationhouse.	
P. An officer	Abuse: On June 16, 2021, at the 79th Precinct stationhouse, an officer deleted information on § 87(2)(b) electronic device.	
Q. An officer	Abuse: On June 16, 2021, at the 79th Precinct stationhouse, an officer damaged § 87(2)(b) property.	

Case Summary

On June 15, 2021, § 87(2)(b) called the CCRB, and filed the following complaint as a witness on behalf of § 87(2)(b) and § 87(2)(b) via the Call Processing System.

On June 15, 2021, at approximately 7:36 p.m., § 87(2)(b) was driving his black Mercedes-Benz sedan and parked in front of § 87(2)(b) in Brooklyn. Immediately after, an unmarked police vehicle pulled up beside § 87(2)(b) vehicle. Police Officer Pascual Melo, Police Officer Jorge Santos, and Police Officer Mohammed Abdelfattah, all from PSA 3, exited their police vehicle and informed § 87(2)(b) they were stopping him (**Allegations A, B, and C: Abuse of Authority-Vehicle Stop**, § 87(2)(g) § 87(2)(b) disputed the stop and rolled up his window. PO Abdelfattah told him, “Don’t do that shit in my face” (**Allegation D: Discourtesy-Word**, § 87(2)(g) § 87(2)(b) exited the vehicle and continued to dispute the stop with the officers. PO Melo handcuffed § 87(2)(b) and asked why he was “doing this extra shit?” (**Allegation E: Discourtesy-Word**, § 87(2)(g) § 87(2)(b)

After deciding to transport § 87(2)(b) to the 79th Precinct stationhouse to issue him summonses, the officers requested his car keys. § 87(2)(b) threw his car keys to his brother, § 87(2)(b) and escaped from the handcuffs. PO Melo and PO Santos used a forcible takedown to bring § 87(2)(b) to the ground (**Allegations F and G: Force-Physical Force**, § 87(2)(g) § 87(2)(b). Simultaneously, PO Abdelfattah ran toward § 87(2)(b) who had picked up § 87(2)(b) car keys, and allegedly punched § 87(2)(b) and a female individual (**Allegations H and I: Force-Physical Force**, § 87(2)(g) § 87(2)(b). Additionally, Police Officer Javier Ramirez, of the 79th Precinct, and Police Officer Luis Sandres, of PSA 3, pushed two unidentified individuals back to prevent them from crowding too close around the officers (**Allegations J and K: Force-Physical Force**, § 87(2)(g) § 87(2)(b). After officers successfully handcuffed § 87(2)(b) and § 87(2)(b) both were transported to the 79th Precinct stationhouse.

At the desk at the 79th Precinct stationhouse, at approximately 8 p.m., PO Abdelfattah ran a magnetometer over § 87(2)(b) and drew a positive reading. PO Abdelfattah escorted § 87(2)(b) into the holding cell area, conducted a strip search of § 87(2)(b) and recovered a small metal key from within his pants (**Allegation L: Abuse of Authority-Strip Search**, § 87(2)(g) § 87(2)(b). A short time later, the officers transported § 87(2)(b) and § 87(2)(b) to the PSA 3 stationhouse and lodged them in the holding cells.

Early the next day, at approximately 2:20 a.m., on June 16, 2021, PO Melo, PO Santos, and PO Abdelfattah conducted an inventory search of § 87(2)(b) vehicle (**Allegations M, N, and O: Abuse of Authority-Vehicle Search, exonerated**) and recovered a firearm and narcotics.

When § 87(2)(b) vehicle retrieved his vehicle, he alleged that an officer had accessed his personal dashcam and deleted footage of the incident (**Allegations P: Abuse of Authority-Electronic Device Information Deletion**, § 87(2)(g) § 87(2)(b) and intentionally left the windows of his vehicle rolled down, thereby causing water damage (**Allegations Q: Abuse of Authority-Property Damaged**, § 87(2)(g) § 87(2)(b). As a result of this incident, § 87(2)(b) was arrested and charged with failing to signal, disorderly conduct, obstructing governmental administration, and resisting arrest (**BR01**); § 87(2)(b) was arrested and charged with disorderly conduct, obstructing governmental administration, and resisting arrest (**BR02**).

The investigation obtained (43) Body-Worn Camera (“BWC”) videos from the responding officers (**BR03**), which captured a majority of this incident, with the exception of PO Abdelfattah, whose BWC unit was lost during the course of this incident (**BR04**).

Findings and Recommendations

Allegation (A) Abuse of Authority: In front of § 87(2)(b) Police Officer Pascual Melo stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (B) Abuse of Authority: In front of § 87(2)(b) Police Officer Jorge Santos stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (C) Abuse of Authority: In front of § 87(2)(b) Police Officer Mohammad

Abdelfattah stopped the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) the witness complainant, observed the incident from his 2nd floor apartment window. § 87(2)(b) statement is generally inconsistent with BWC footage, and statements from § 87(2)(b) PO Abdelfattah, PO Melo, and PO Santos.

§ 87(2)(b) stated (**BR05**) that he was looking out his window and observed three male individuals standing around a black Mercedes-Benz sedan parked next to a fire hydrant in front of § 87(2)(b) in Brooklyn. Shortly thereafter, a marked police vehicle pulled up next to the black sedan, and two officers, identified through the investigation as PO Abdelfattah and PO Melo, exited. PO Abdelfattah asked the owner of the vehicle, identified as § 87(2)(b) for his license and registration, and § 87(2)(b) asked why as his vehicle was parked and he was not currently driving. PO Abdelfattah replied that they stopped him for his tinted windows. § 87(2)(b) argued that tinted windows were a traffic violation, repeated that his vehicle was parked and that he was not driving, refused to provide his license and registration, and turned back to continue talking to the other two individuals.

§ 87(2)(b) stated that (**BR06**), he was looking for parking outside of § 87(2)(b) in Brooklyn. After finding an open space on the other side of the street, § 87(2)(b) engaged his turn indicator, made a U-turn, and parked in the open spot. After parking, § 87(2)(b) observed an unmarked RMP, containing PO Melo, PO Santos, and PO Abdelfattah, stop along the streetside of his vehicle. The officers exited, approached his vehicle, and told him that he was illegally parked, his window tints were too dark, and asked him to produce his driver's license. While § 87(2)(b) disputed that he was illegally parked, he acknowledged (**BR06**) that he made an illegal U-turn just prior to parking his vehicle.

While PO Melo's (**BR07**) and PO Santos' (**BR08**) BWC footage both partially capture the initiation of the vehicle stop, as well as § 87(2)(b) vehicle's dark window tints, the BWC footage does not explicitly capture the alleged moving violations. PO Santos' BWC (**BR08**) at 00:30, partially shows a black sedan, identified as § 87(2)(b) vehicle, backing into a parking spot prior to the stop. At 00:58, a fire hydrant is visible in line with the back bumper of § 87(2)(b) vehicle. PO Melo's BWC (**BR07**) at 01:00, shows § 87(2)(b) tinted windows and captures PO Melo tell him that they observed him make an illegal U-turn, which § 87(2)(b) disputes. PO Melo's BWC, at 08:00, shows PO Abdelfattah tell § 87(2)(b) that he is going to be issued summonses for "tints, U-turn, failure to signal, and parking in front of a hydrant." As noted above, PO Abdelfattah did not have any responsive BWC footage from this incident as his physical BWC unit was knocked off and subsequently lost during the course of this incident (**BR04**),

The accounts of PO Melo (**BR09**), PO Santos (**BR10**), and PO Abdelfattah (**BR11**), were generally consistent with each other, and with § 87(2)(b) statement, except where noted otherwise below.

PO Melo, PO Santos, and PO Abdelfattah were conducting patrol on Park Avenue in Brooklyn, when they observed § 87(2)(b) who was driving a black Mercedes-Benz sedan with heavily tinted windows, make an illegal U-turn in front of their unmarked police vehicle. PO Abdelfattah (**BR11**) engaged the lights and siren to alert § 87(2)(b) his vehicle was being stopped. However, § 87(2)(b) did not stop, but rather, parallel parked his vehicle in front of a fire hydrant. The officers pulled up next to § 87(2)(b) vehicle, exited their RMP, and told § 87(2)(b) he was being stopped for his excessive window tints and making an illegal U-turn. Although § 87(2)(b) disputed whether the officers stopped his vehicle, as he claimed he was parked, the officers repeated that they were stopping his vehicle for the observed traffic infractions, and because he had parked in front of a fire hydrant. They then ordered him to produce his identification. PO Melo, PO Santos, and PO Abdelfattah consistently stated that the only reason they stopped § 87(2)(b) vehicle was to address the VTL violations they observed.

Arrest Report #§ 87(2)(b) generated pursuant to § 87(2)(b) subsequent arrest, lists, inter alia, the charge of failure to signal, citing VTL §1163(a). Additionally, PO Melo

reported in the arrest details that § 87(2)(b) was observed driving on Park Avenue with “dark tints,” and “fail[ed] to signal” before pulling into a park spot, “obstructing a fire hydrant.”

No person shall operate any motor vehicle upon any public highway, road or street: [...] (2) the side wings or side windows of which on either side forward of or adjacent to the operator's seat are composed of, covered by or treated with any material which has a light transmittance of less than seventy percent; or (3) if it is classified as a [...] sedan [...] and any rear side window has a light transmittance of less than seventy percent [...]. NYS VTL, §375 (12)(b)(2.)(3.) (BR13).

No person shall stop, stand or park a vehicle within fifteen feet of a fire hydrant except when such vehicle is attended by a licensed operator or chauffeur who is seated in the front seat and who can immediately move such vehicle in case of emergency [...]. NYS VTL, §1202 (b)(1.) (BR14).

It was undisputed that § 87(2)(b) vehicle had tinted windows and that he had parked next to a fire hydrant. § 87(2)(g)

Allegation (D) Discourtesy: In front of § 87(2)(b) Police Officer Mohammad Abdelfattah spoke discourteously to § 87(2)(b)

Allegation (E) Discourtesy: In front of § 87(2)(b) Police Officer Pascual Melo spoke discourteously to § 87(2)(b)

§ 87(2)(b) (BR05) and § 87(2)(b) (BR06) did not allege that officers used any discourteous language. These allegations derive from BWC.

PO Melo's BWC (BR07) at 00:55 seconds PO Melo exits his car and § 87(2)(b) rolls up his window, completely closing it. When PO Melo is at the front driver's side door, § 87(2)(b) rolls down his window halfway and tells PO Melo that he was already parked. PO Abdelfattah approaches § 87(2)(b) and, when § 87(2)(b) says that he has a camera, PO Abdelfattah says that he does as well. § 87(2)(b) then rolls his window back up, completely closing it. At 01:09, PO Abdelfattah, when the window is completely closed, tells § 87(2)(b) in a calm tone of voice, “Don't do that shit in my face.” PO Abdelfattah then opens the car door from the outside. Also, on PO Melo's BWC, at 02:40, after § 87(2)(b) has been handcuffed, PO Melo asks him, “Why you doing this extra shit? [sic]”

While PO Abdelfattah (BR11) and PO Melo (BR09) initially could not recall whether they used any profanity during this incident, after reviewing BWC footage, they both acknowledged they used profanity.

PO Abdelfattah stated (BR11) that he remarked, “Don't do that shit in my face,” because § 87(2)(b) had rolled up the window disregarding the officers verbal commands, and he had safety concerns due to the vehicle's dark tints and was not able to see § 87(2)(b). The circumstances caused him to feel “amped up... Not like amped up... but more like... very concerned [his] safety,” because PO Abdelfattah did not know what was going on when § 87(2)(b) rolled up the window, and he felt that the situation was a stressful enforcement encounter. PO Abdelfattah did not intend to demean or belittle § 87(2)(b). His reference to “that shit,” was in regard to § 87(2)(b) rolling up the window in the midst of ordering him to produce his driver's license after stopping his vehicle, and not directed toward § 87(2)(b).

PO Melo stated (BR09) that while he could not recall any specific reason for remarking, “why you doing this extra shit,” he added that he had been trying to deescalate the situation between the officers and § 87(2)(b) which was enforcement of a VTL summons.

The mission of the New York City Police Department is to enhance the quality of life in New York City by working in partnership with the community to enforce the law, preserve peace, reduce fear, and maintain order. The Department is committed to accomplishing its mission of protecting the lives and property of all citizens of New York City by treating every citizen with compassion, courtesy, professionalism, and respect[.] [...] In partnership with the community, we pledge to: [...] Maintain a higher standard of integrity than is generally expected of others because

so much is expected of us. Value human life, respect the dignity of each individual and render our services with courtesy and civility. Patrol Guide, Procedure 200-02 (BR15).

In DCT-DAO 2018-18951, the court, while mindful that there are certain situations where profane remarks made during a stressful or chaotic situation would not constitute misconduct, found that an officer's use of profanity, even when made without the intention to demean and in the absence of any indication any civilian was offended, was gratuitous, unprofessional, and discourteous. [...] The court further noted in recommending a penalty, that it was important that the officer understand the need to be more responsible in [their] interactions with the public, particularly in [their] choice of words, which, if not chosen carefully, could readily escalate a situation. DCT-DAO 2018-18951 (BR16).

It was undisputed that PO Abdelfattah stated, "Don't do that shit in my face," to § 87(2)(b). PO Abdelfattah stated his use of profanity was in response to § 87(2)(b) rolling up his window causing a safety concern during a stressful enforcement encounter and that § 87(2)(b) had disregarded officers' commands to provide his license and registration. However, this occurred only seconds into the interaction, and BWC shows that none of the officers had yet given § 87(2)(b) any verbal commands. Furthermore, PO Abdelfattah spoke in a calm tone of voice and immediately opened the car door. Merely rolling up the window did not create a stressful and chaotic situation as evidenced by PO Abdelfattah's calm tone and the fact that he immediately took precise actions to open the door to facilitate conversation with § 87(2)(b). Additionally, per PO Abdelfattah's own statement, it was not a command and served no law enforcement purpose. § 87(2)(b)

It was undisputed that PO Melo stated, "Why you doing this extra shit," to § 87(2)(b). PO Melo stated he used the profanity while attempting to deescalate the encounter during enforcement of a summons. However, § 87(2)(b) was handcuffed at the time, was not physically resisting the officers, and the statement served no legitimate law enforcement purpose. § 87(2)(b)

Allegation (F) Force: In front of § 87(2)(b) Police Officer Pascual Melo used physical force against § 87(2)(b)

Allegation (G) Force: In front of § 87(2)(b) Police Officer Jorge Santos used physical force against § 87(2)(b)

Allegation (H) Force: In front of § 87(2)(b) Police Officer Pascual Melo used physical force against § 87(2)(b)

Allegation (I) Force: In front of § 87(2)(b) Police Officer Mohammad Abdelfattah used physical force against § 87(2)(b)

§ 87(2)(b) stated (BR05) that after PO Abdelfattah and PO Melo handcuffed § 87(2)(b) outside of his vehicle, § 87(2)(b) asked if he was under arrest and the officers replied that he was only being detained. A short time later, § 87(2)(b) threw his car keys, which landed on the street, toward a female individual standing nearby. § 87(2)(b) did not hear either officer request the car keys or issue any commands to § 87(2)(b) or the female individual.

When the female individual picked up the car keys, PO Abdelfattah approached and grabbed her, and the two "started to tussle," which resulted in PO Abdelfattah and the female individual falling together to the ground. PO Abdelfattah's BWC was knocked off and fell to the ground, and "everything went crazy from there." While § 87(2)(b) was not able to see what, if anything, occurred between PO Abdelfattah and the female after they fell, he saw individuals from the crowd of bystanders pull PO Abdelfattah off of the female individual, while § 87(2)(b) "threw a tantrum" and kicked his vehicle. § 87(2)(b) moved away from his window and did not witness anything further.

§ 87(2)(b) stated (**BR06**) that after the officers handcuffed him, they asked him to provide his identification. § 87(2)(b) unlocked his vehicle, retrieved his identification, relocked his vehicle, and provided his identification to the officers. During the course of retrieving his identification, a number of bystanders had gathered in the vicinity, one of whom called § 87(2)(b) brother, § 87(2)(b) and his mother, whom he did not wish to identify, to inform them officers had stopped § 87(2)(b) § 87(2)(b) and their mother came down to the location to observe what was happening.

After providing his identification to the officers, § 87(2)(b) tried to hand his car keys to his mother, however, one of the officers allegedly “smacked” his hand, which caused his keys to fall to the ground and land underneath his vehicle. After his keys fell, the officers began punching both their mother and § 87(2)(b) § 87(2)(b) and § 87(2)(b) attempted to defend their mother by pushing and shoving the officers away. The officers, in turn, pushed and shoved § 87(2)(b) and § 87(2)(b) to keep them separated from each other. During the struggle, the officers accused § 87(2)(b) of having § 87(2)(b) car keys, and handcuffed him, and placed him on the hood of a vehicle. Ultimately, after § 87(2)(b) and § 87(2)(b) were handcuffed, the officers placed them in police vehicle and transported them to an NYPD stationhouse.

§ 87(2)(b) did not provide a statement to the investigation.

PO Melo’s BWC (**BR07**), at 04:45, shows § 87(2)(b) open the rear driver’s side door, grab his wallet, and provide it to PO Melo. A group of three bystanders are standing on the sidewalk. At 08:55, PO Melo enters the police vehicle to write the summonses. § 87(2)(b) tells officers to remove his handcuffs, to stop touching him, and that he is not being detained. PO Melo tells § 87(2)(b) through the open police vehicle window, that he is being detained until he issues him the summonses. At 09:30 PO Melo exits the police vehicle and speaks with PO Abdelfattah about removing § 87(2)(b) to the stationhouse to issue him the summonses given the increasingly hostility of the crowd. PO Melo holds onto § 87(2)(b) on his left side while PO Abdelfattah holds him on the right. At 09:40, § 87(2)(b) turns toward a female individual, dressed in a light-blue shirt, and says, “take my key.” § 87(2)(b) then makes a jerking motion with his torso. Immediately after, PO Abdelfattah quickly turns toward the ground and runs toward the female individual in the light-blue shirt and a male civilian wearing a green shirt, identified through the investigation as § 87(2)(b) § 87(2)(b) quickly stands up after crouching toward the ground, and PO Abdelfattah appears to grab him.

§ 87(2)(b) then forcefully pulls away from PO Melo’s hold on his arms toward PO Abdelfattah, the female individual, and § 87(2)(b) while shouting at PO Melo to let go of him. PO Melo continues to hold onto § 87(2)(b) who struggles against PO Melo’s hold on him and repeatedly says to let go of him. § 87(2)(b) gets free and turns his torso to face PO Melo’s. § 87(2)(b) screams for PO Melo to let go of him and breaks free of the handcuffs. PO Melo holds onto § 87(2)(b) foot, and his BWC falls onto the ground at 10:10. PO Melo is partially seen continuing to hold onto § 87(2)(b). The female individual in the blue shirt appears to push PO Santos, while he attempts to assist PO Melo in gaining control and custody of § 87(2)(b). PO Santos pushes the female back, once. She stays upright and begins pushing PO Santos from behind. Still struggling, PO Melo, PO Santos, and § 87(2)(b) move out of frame, as the crowd remains very close to the officers. Officers repeatedly tell the individuals to move back, and they refuse each time.

PO Santos’ BWC (**BR08**), at 09:30, shows additional bystanders arrive, crowd around the sidewalk side of § 87(2)(b) vehicle, and shout remarks at the officers. PO Melo exits the police vehicle and asks PO Abdelfattah if he wants to bring § 87(2)(b) “back to the base” to issue him the summonses. At 09:40, as PO Melo and PO Abdelfattah stand on either side of § 87(2)(b) and tell unseen bystanders to the left to back up. § 87(2)(b) makes a jerking motion with his torso while remarking about “keys.” Immediately after, PO Abdelfattah lunges downward to the left and out of frame. Between 9:43 and 9:52, PO Santos picks up his BWC and

holds it as § 87(2)(b) yells, "Y'all doing too much... I swear to god! Let go of me!" At 9:53, as PO Santos puts his BWC back on to his chest, PO Melo holds onto § 87(2)(b) right arm, as § 87(2)(b) who is no longer handcuffed, attempts to pull away from and struggles against PO Melo's hold, while repeatedly shouting, "Let go of me." PO Santos runs behind PO Melo and grabs § 87(2)(b) left arm and wrist, which is briefly seen with a one cuff on it. At 09:55, § 87(2)(b) knocks PO Santos' BWC to the ground.

In PO Santos' BWC (**BR08**), at 11:12, PO Abdelfattah picks up the camera and places it on his chest, at which time § 87(2)(b) standing in front of PO Abdelfattah, and two other unidentified individuals are standing a few feet behind. § 87(2)(b) remarks, "Can't even find the key, bro," as PO Abdelfattah tells § 87(2)(b) "Sir, stand right here." At 11:20, PO Abdelfattah places one hand on § 87(2)(b) left arm and on his chest, and repeatedly says, "Sir," while § 87(2)(b) repeatedly responds, "Why are you even touching me, bro?" PO Abdelfattah extends his right hand toward an individual in a black shirt who moves in close to PO Abdelfattah and § 87(2)(b). At 11:25, PO Abdelfattah guides the individual in the black shirt backward about a foot with his right hand. The same individual moves in close again, and PO Abdelfattah steps back and tells the individual in the black shirt, "Don't put your hands on me." The individual appears to back up, though BWC does not capture how, if at all, the individual had his hands on PO Abdelfattah.

Several bystanders, gathered around PO Abdelfattah and § 87(2)(b) shout various remarks at PO Abdelfattah. § 87(2)(b) continues to shout at PO Abdelfattah, who repeatedly orders § 87(2)(b) and the several bystanders, to "Stop!" At 11:35, PO Abdelfattah holds § 87(2)(b) left arm with his left hand, as § 87(2)(b) attempts to pull his arm away. PO Abdelfattah orders him to stop. At 11:40, the female individual in the light-blue shirt moves in between § 87(2)(b) and PO Abdelfattah. PO Abdelfattah pushes her arm away and orders her to stay back. At 11:48, PO Abdelfattah has both hands on both of § 87(2)(b) arms. At 11:55, as a result of the struggle to hold § 87(2)(b) the BWC gets knocked off PO Abdelfattah's chest and falls to the ground again.

Neither PO Melo's, PO Santos', nor any other responding officers' BWC (**BR32-BR67**) captures any officer "punch," or otherwise employ any form of a hand strike against § 87(2)(b) or any other male or female civilian during this incident.

PO Melo's (**BR09**), PO Santos' (**BR10**), and PO Abdelfattah's (**BR11**) statements were generally consistent, except as noted otherwise below.

After PO Melo handcuffed § 87(2)(b) due to his combative behavior and out of safety concerns, he sat inside the police vehicle to write out the summonses while PO Abdelfattah and PO Santos safeguarded him. While PO Melo wrote out the summonses, § 87(2)(b) continued to behave combatively and refused to comply with their orders, which drew an increasing number of bystanders to crowd around and shout at the officers. Because they were outnumbered by the group of bystanders, who were moving extremely close to the officers, and because of § 87(2)(b) hostile demeanor in response to a vehicle stop, they were concerned for their safety and decided to remove § 87(2)(b) and his vehicle to 79th Precinct stationhouse to issue him the summonses there.

Upon informing § 87(2)(b) of this, § 87(2)(b) threw his key fob toward his brother, § 87(2)(b). After throwing his key fob, PO Abdelfattah ran toward § 87(2)(b) while § 87(2)(b) resisted PO Melo's and PO Santos' hold on him. PO Melo, PO Santos, and PO Abdelfattah denied that they "smacked" or slapped § 87(2)(b) hand at any point during the incident.

PO Melo (**BR09**) and PO Santos (**BR10**) stated that while PO Abdelfattah was trying to retrieve the keys from § 87(2)(b) they attempted to maintain their hold on § 87(2)(b) who actively resisted by pushing the officers, twisting his torso, and pulling his arms away from the officers. Several bystanders interfered by trying to move in between the officers and § 87(2)(b) and attempting to pull him away from the officers' control. PO Melo stated (**BR09**) that

during the struggle § 87(2)(b) briefly escaped from his handcuffs and attempted to run away, which caused him, PO Santos, and § 87(2)(b) to fall to the ground. As a result, PO Melo sustained cuts and abrasions to his arms. PO Santos (**BR11**) stated that § 87(2)(b) briefly freed himself from the handcuffs because of his active physical resistance. PO Santos and PO Melo used a forcible takedown to overcome § 87(2)(b) resistance and successfully place him back into handcuffs. PO Melo and PO Santos denied that they ever punched or otherwise used a hand strike against § 87(2)(b) or any other individual during this incident.

While neither PO Melo nor PO Santos initially recalled interacting with any female individual during the struggle to re-handcuff § 87(2)(b) PO Melo later recalled (**BR09**) that a female individual briefly stood on the hood of their unmarked police vehicle, complied when he ordered her to get down off the vehicle, but then attempt to place herself in between the officers and § 87(2)(b) to prevent PO Melo and PO Santos from handcuffing § 87(2)(b) PO Melo acknowledged that he pushed the female individual one time, causing her to step back a foot or two, after she refused to back up and allow the officers space to handcuff § 87(2)(b) PO Melo and PO Santos denied that they punched or otherwise used a hand strike against any female individual during this incident.

PO Abdelfattah stated (**BR11**) that after § 87(2)(b) threw his key fob, he personally observed § 87(2)(b) pick the key fob off the street and put it in his pants pocket. PO Abdelfattah approached § 87(2)(b) grabbed him by the arm, and ordered him to return the key fob to § 87(2)(b) vehicle. § 87(2)(b) refused to provide the key fob and attempted to pull away from PO Abdelfattah's hold on his arm. During the ensuing struggle, PO Abdelfattah's BWC got knocked off and was subsequently lost. While PO Abdelfattah was holding § 87(2)(b) approximately 10 to 15 individuals crowded around them and "attacked" him by shouting at him, grabbing at and touching him, and trying to physically interfere with PO Abdelfattah's hold on § 87(2)(b) During the struggle to maintain his hold on § 87(2)(b) overcome his physical resistance, and prevent the multiple bystanders from interfering, either a bystander removed the key fob from § 87(2)(b) pocket, or § 87(2)(b) passed it to a bystander, who fled the scene. No officers pursued this individual. After § 87(2)(b) repeatedly refused to provide the key fob to him and continued to push PO Abdelfattah in an attempt to get past him and approach his partners and § 87(2)(b) he handcuffed § 87(2)(b) and told him he was under arrest for "obstructing government procedure [sic]," (i.e., OGA). PO Abdelfattah denied he punched or otherwise used a hand strike against any female bystander or § 87(2)(b) during this incident.

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. [...] When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. [...] MOS will use only the reasonable force necessary to gain control or custody of a subject. [...] In determining whether the use of force is reasonable, members of the service should consider the following: (a.) The nature and severity of the crime/circumstances (b.) Actions taken by the subject (c.) Duration of the action (d.) Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders (e.) Whether the subject is actively resisting custody (f.) Whether the subject is attempting to evade arrest by flight (g.) Number of subjects in comparison to the number of MOS (h.) Size, age, and condition of the subject in comparison to the MOS (i.) Subject's violent history, if known (j.) Presence of hostile crowd or agitators (k.) Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence. Patrol Guide, Procedure 221-01 (**BR17**).

While § 87(2)(b) alleged that the officers "smacked" his hand causing his key fob to fall to the ground, and afterward punched § 87(2)(b) and a female individual, the BWC footage shows that § 87(2)(b) threw his key fob and does not capture any officer employ the use of a

hand strike, nor does it capture any civilian complain or remark about any officer using a hand strike or punching any individual. Indeed, consistent with the officers' accounts, PO Melo's and PO Santos' use of force, as shown in the BWC, was limited to grabbing § 87(2)(b) utilizing a forcible takedown to overcome his resistance, and pulling his arms behind his back to place him back into handcuffs, while PO Abdelfattah's use of force was limited to grabbing § 87(2)(b) blocking his attempts to push past him toward the other officers, and pulling his arms behind his back to facilitate handcuffing him. While neither PO Santos nor PO Abdelfattah recalled interacting with any female individuals during this incident, PO Melo acknowledged that he pushed a female individual, one time, causing her to step back a foot or two, after she attempted to interfere by moving in between the officers and § 87(2)(b) and refused to back up.

Given the preceding, the investigation determined that PO Melo's and PO Santos' use of force, including grabbing § 87(2)(b) employing a forcible takedown, and pulling his arms behind to securely handcuff him after his brief escape, § 87(2)(g)

While no officer acknowledged punching or otherwise employing a hand strike against a female individual during this incident, PO Melo acknowledged pushing a female individual, once, after she refused to back up and to stop interfering with him and PO Santos placing § 87(2)(b) back into handcuffs. Given that PO Melo was attempting to regain control and custody of § 87(2)(b) who was actively resisting and almost successfully escaped, § 87(2)(g)

Allegation (J) Force: Police Officer Javier Ramirez used physical force against an individual.

Allegation (K) Force: Police Officer Luis Sandres used physical force against an individual.

Neither § 87(2)(b) (BR05) nor § 87(2)(b) (BR06) independently raised any specific force allegations against either PO Ramirez or PO Sandres, § 87(2)(b) stated that after § 87(2)(b) attempted to throw his key fob, "everything went crazy," and officers and civilians "started to tussle." § 87(2)(b) stated that officers "were punching" his mother and § 87(2)(b) and pushing and shoving individuals.

§ 87(2)(b) did not provide a statement to the investigation.

As noted above (see **Allegation F-I**), the BWC does not capture any officer punch or otherwise employ the use of a hand strike against any individual during the incident. However, PO Ramirez's BWC (BR19) at 03:35, shows an unidentified male individual, wearing in a white tank top, quickly approach PO Ramirez. This individual then attempts to move past PO Ramirez toward § 87(2)(b) (out of frame). PO Ramirez places his arm in front of the male individual, preventing him from getting too close to § 87(2)(b) or the arresting officers, and tells him repeatedly to backup. After the male individual remains, PO Ramirez, with his right hand against the male individual's upper chest, guides him back a step or two toward the sidewalk. The male individual knocks PO Ramirez's arm away and then walks away.

PO Sandres' BWC (BR20) at 01:25, shows officers holding § 87(2)(b) handcuffed, outside a marked police vehicle. An unidentified female individual, dressed in a light blue shirt, approaches § 87(2)(b). After a moment, PO Sandres observes the female individual reaching into § 87(2)(b) right pants pocket. PO Sandres approaches, grabs the female individual by her right

arm, pulls it away from § 87(2)(b) and guides her a few steps back toward the sidewalk.

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. [...] When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. [...] MOS will use only the reasonable force necessary to gain control or custody of a subject. Patrol Guide, Procedure 221-01 (**BR17**).

It was undisputed that PO Ramirez and PO Sandres both employed brief uses of force during this incident to move bystanders away from officers who had § 87(2)(b) in their custody.

§ 87(2)(g)

Allegation (L) Abuse of Authority: At the 79th Precinct stationhouse, Police Officer Mohammad Abdelfattah strip-searched § 87(2)(b) at the 79th Precinct stationhouse.

Neither § 87(2)(b) (**BR05**) nor § 87(2)(b) (**BR06**) independently alleged that PO Abdelfattah conducted a strip search of § 87(2)(b) nor stated that any search of § 87(2)(b) person occurred at all.

PO Melo's BWC (**BR07**) at 28:35, shows him place his BWC on the desk of the 79th Precinct. PO Abdelfattah escorts § 87(2)(b) up to the desk, frisks and searches him, and removes \$800 in US currency and a gold chain. At 30:10, after the 79th Precinct desk sergeant asks if § 87(2)(b) has "been scanned," PO Abdelfattah picks up a magnetometer wand and runs it over § 87(2)(b) body. After the magnetometer wand registers a positive hit around § 87(2)(b) right quadricap, PO Abdelfattah asks what the metal object is. § 87(2)(b) replies it is probably a key inside his pants. PO Abdelfattah informs the 79th Precinct desk sergeant that § 87(2)(b) has a key inside his pants, and says, "So I'm going to reach out and get [the key] [sic]." PO Abdelfattah puts on gloves, extends § 87(2)(b) waistband outward, reaches into his pants.

At 31:26, PO Abdelfattah asks § 87(2)(b) if the key is in "[his] crotch," after not recovering it. The 79th Precinct desk sergeant tells PO Abdelfattah, "So, take § 87(2)(b) to the cells, right? In the [backroom or bathroom, audio unclear] there? And do your search." At 31:55, PO Abdelfattah grabs PO Melo's BWC and escorts § 87(2)(b) to the 79th Precinct holding cell area. Upon entering, a male individual wearing a red hoodie is seen within the holding cells, facing toward PO Abdelfattah and § 87(2)(b).

At 33:05, after removing § 87(2)(b) rings, PO Abdelfattah asks again if the key is in his crotch, § 87(2)(b) replies no, and says the key should be in his thermals. PO Abdelfattah extends the waistbands of both § 87(2)(b) outer pants and thermal underwear, while § 87(2)(b) black underwear is seen still up around his waist. PO Abdelfattah then reaches into § 87(2)(b) outer pants and thermal underwear and appears to search between the thermals and his underwear. PO Abdelfattah then removes his hand from within § 87(2)(b) pants, and pats his legs, apparently trying to work the metal object down and out through his pants. At 33:40, after still being unable to recover the keys from within his pants, PO Abdelfattah tells § 87(2)(b) to spread his legs. PO Abdelfattah then kneels on the ground and continues to frisk and pat § 87(2)(b) legs to work the key out. At 34:40, PO Abdelfattah successfully finds and removes the key from within § 87(2)(b) pants. PO Abdelfattah then escorts § 87(2)(b) back out to the front desk and announces that the metal object was a car key.

While PO Melo's (**BR09**), PO Santos' (**BR10**), and PO Abdelfattah's (**BR11**) statements were generally consistent with each other and the foregoing BWC footage, their statements varied with regard to the strip-search, as noted below.

The officers stated that after transporting § 87(2)(b) to the 79th Precinct stationhouse,

they began processing his arrest. PO Abdelfattah frisked and searched him, removed any property on his person, and then used a magnetometer wand to check for any undetected objects. After the magnetometer indicated “a hit,” (i.e., a positive reading) near § 87(2)(b) thigh and groin area, PO Abdelfattah frisked § 87(2)(b) thigh and groin area, and felt a small metal object he believed to be a key. Afterward, the 79th Precinct desk sergeant directed PO Abdelfattah to escort § 87(2)(b) into the holding cell area and remove the key from within his pants.

While PO Santos acknowledged that **(BR10)** a second search of § 87(2)(b) was conducted following the positive reading from the magnetometer wand, he did not recall being present for or participating in the additional search of § 87(2)(b) to recover the small key, did not know whether PO Abdelfattah or PO Melo conducted the additional search, nor knew whether the search was considered a strip search or not.

PO Melo stated that **(BR09)**, while he was not personally involved in conducting the additional search of § 87(2)(b) he witnessed PO Abdelfattah put on latex gloves, pull the waistband of § 87(2)(b) pants away from his body, reach into the front of his pants toward his groin area where the magnetometer indicated a positive reading, and after a minute or two, retrieve a small key from within § 87(2)(b) pants. PO Melo believed the additional search conducted by PO Abdelfattah was a strip-search because PO Abdelfattah placed his hand into § 87(2)(b) pants and it was conducted in the holding cell area for privacy. While PO Melo initially did not recall any other prisoners being present in the holding cells at the time, he acknowledged, as seen in his BWC footage, that an individual in a red hoodie was present, although he added that he did not recall seeing anyone at the time.

PO Abdelfattah denied **(BR11)** that the additional search he conducted of § 87(2)(b) thigh and groin area in the 79th Precinct holding cell area was a strip search. PO Abdelfattah stated that he considered the search to be a “pretty basic search that gets conducted on every prisoner... Every prisoner gets [magnetometer] wanded... Every prisoner gets patted down, at the scene, in front of the desk, and in the cells.” After being shown PO Melo’s foregoing BWC video, and asked whether him pulling § 87(2)(b) waistband away from his body, reaching into his pants, and extensively searching in and around his groin area, while in the presence of another prisoner, would cause his additional search to be defined as a strip-search, PO Abdelfattah replied no. PO Abdelfattah further stated **(BR11)** that the reason he did not think he conducted a strip-search of § 87(2)(b) was based on his understanding of what constitutes a strip search: “a strip search is pretty much removing all the layers of clothes covering the private parts.” PO Abdelfattah further noted that § 87(2)(b) was wearing three layers of pants (outer pants, thermal long johns, and underwear), and that he did not expose § 87(2)(b) private areas or order him to remove any clothes during the search. While PO Abdelfattah did not recall seeing the individual in the red hoodie in the nearby holding cell during the incident, he did not dispute the BWC footage.

A frisk [...] is a methodical external body examination [...] made by sliding the hand over the subject’s body, feeling for weapons or other objects, with special attention to the waistband, armpit, collar, and groin areas. If an unusual object is detected, the officer will reach into or under the clothing to remove it. [...] Upon arrival at precinct of arrest or other Department facility, the arresting officer or another designated member of the same gender as the prisoner, shall conduct a thorough search of the prisoner’s person and clothing to ensure the safety of all persons within the facility and to remove weapons, contraband, and evidence not discovered by the frisk. Other items lawfully carried but that are dangerous to life, may facilitate escape, or may be used to damage Department property will also be removed from the subject. [...] A search at a police facility, which is not the same as a “strip search,” includes the removal of outer garments (e.g., overcoats, jackets, sweaters, vests, hats, wigs, ties, belts, shoelaces, drawstrings, shoes, socks, handbags, wallets, etc.). All pockets are to be emptied and all clothing not removed will be examined by grabbing, crushing and squeezing the garments and by sliding the hands across the body to detect articles that may be underneath or sewn to the clothing. [...] A strip search is any search in which an individual’s undergarments (e.g., bra, underwear, etc.) or private areas are exposed or in which

an individual's clothing is removed, lifted up, or pulled down to expose undergarments or private areas. [...] A strip search may only be conducted when the arresting officer reasonably suspects that weapons, contraband, or evidence may be concealed upon the person or in the clothing in such a manner that they may not have been discovered by the previous search methods. [...] Other factors that should be considered in determining whether an appropriate basis exists for a strip search include [...] arrest circumstances, [...] or unaccounted "hits" on magnetometers [...] A strip search shall be conducted only by a member of the same gender as the arrested person, in a secure area, in utmost privacy, and in the presence of only those members of the service reasonably necessary to conduct the search. Patrol Guide, Procedure 208-05 (BR21).

It was undisputed that PO Abdelfattah conducted a second search at the stationhouse in the holding cell area in front of another person who was lodged in a holding cell. Although PO Abdelfattah denied that this was a strip search, BWC captures him pulling § 87(2)(b) pants away from his body and exposing his underwear so that he could search for the key in the upper thigh/groin area. Per the Patrol Guide, a strip search must be conducted in a secure area, in utmost privacy. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Allegation (M) Abuse of Authority: At the 79th Precinct stationhouse, Police Officer Pascual Melo searched the vehicle in which § 87(2)(b) was an occupant at the PSA 3 stationhouse.

Allegation (N) Abuse of Authority: At the 79th Precinct stationhouse, Police Officer Jorge Santos searched the vehicle in which § 87(2)(b) was an occupant at the PSA 3 stationhouse.

Allegation (O) Abuse of Authority: At the 79th Precinct stationhouse, Police Officer Mohammad Abdelfattah searched the vehicle in which § 87(2)(b) was an occupant at the PSA 3 stationhouse.

Neither § 87(2)(b) (BR05) nor § 87(2)(b) (BR06) independently raised or alleged that any officer searched his vehicle during this incident.

PO Melo's (BR22) and PO Santos' (BR23) BWC footage shows that PO Melo, PO Santos, and PO Abdelfattah conducted an inventory search of § 87(2)(b) vehicle at the PSA 3 stationhouse, at approximately 2:20 a.m., on June 16, 2021. During the inventory search, the BWC footage shows the officers extensively search the interior of § 87(2)(b) vehicle, collect all personal property therein, and store the recovered items in plastic property bags. Additionally, PO Santos, using the small key recovered from within § 87(2)(b) pants, unlocks the vehicles glove compartment, and finds a firearm.

PO Melo's (BR09), PO Santos' (BR10), and PO Abdelfattah's (BR11) statements were generally consistent, except where noted otherwise below.

The officers (BR09-BR11) stated that at approximately 2:20 a.m. on June 16, 2021, a NYPD tow truck transported § 87(2)(b) vehicle to the PSA 3 stationhouse, and they conducted an inventory. The officers stated that they were required to conduct an inventory search, according to NYPD procedure, which involved thoroughly searching, documenting, and safeguarding any property, including vehicles, that came into the NYPD's custody. The officers also confirmed that during the inventory search, PO Santos used the small key recovered from § 87(2)(b) pants to unlock the glove compartment and recovered a firearm and unidentified narcotics.

A request for the property vouchers regarding the arrest is still outstanding.

PO Melo's memo book notes that items were vouchered regarding the arrest on PO Abdelfattah's PETS account and includes a voucher number § 87(2)(b). The memo book also notes that § 87(2)(b) car was towed to the stationhouse by "NYPD tow truck Delarosa Tax 333188, shield 1352, truck 6843" (BR 68).

Whenever any property comes into the custody of this Department an inventory search will

be conducted [...] If the contents to be inventoried are in an automobile: [...] Search the interior of the vehicle thoroughly. This search should include any area that may contain valuables including, but not limited to: (1) Glove compartment (2) Console (3) Map pockets in or on doors and rear or side of seats (4) Areas under the seats and in and around the seat stuffing and springs (5) Under the floor mats (6) Under and behind the dashboard (7) Inside the ashtrays (8) In the air vents where accessible (9) Under the hood (10) Trunk. [...] Remove all valuables from the vehicle and invoice. Patrol Guide, Procedure 218-13 (BR24).

It was undisputed that PO Melo, PO Santos, and PO Abdelfattah conducted an inventory search of § 87(2)(b) vehicle, after it was transported to the PSA 3 stationhouse pursuant to § 87(2)(b) arrest. Because the officers did not have the key fob, the car had been towed to the PSA 3 stationhouse. While the property voucher request remains outstanding, memo book entries indicate that vouchers were correctly prepared. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (P) Abuse of Authority: Police Officer Mohammad Abdelfattah deleted information on § 87(2)(b) electronic device.

Allegation (Q) Abuse of Authority: Police Officer Mohammad Abdelfattah damaged § 87(2)(b) property.

§ 87(2)(b) stated that (BR06) on an unknown date after the incident, when he retrieved his vehicle from the PSA 3 stationhouse, he discovered that the memory card of his in-car camera (i.e., dashcam) had been deleted and that all the footage he had recorded of this incident had been lost. Additionally, § 87(2)(b) stated that the officers left the windows of his vehicle open while it was within NYPD's custody. Because it had rained, the internal wiring was damaged, and his vehicle would not start.

PO Melo's BWC (BR22) at 35:20, near the conclusion of the inventory search, shows him apparently removing a dashcam or other recording device affixed to the front windshield of § 87(2)(b) vehicle. After removing it, PO Melo places dashcam or other recording device in a property bag with the rest of § 87(2)(b) effects. As PO Melo moves around the vehicle, the BWC shows that the four passenger compartment windows of § 87(2)(b) vehicle are closed, however, the vehicle's sunroof is partially open. At 36:10, PO Melo discovers and begins to remove a second dashcam or other recording device, affixed to the rear windshield of § 87(2)(b) vehicle. After a moment of difficulty, PO Melo remarks, "I don't think [the dashcam] releases," and PO Abdelfattah tells him to "just leave it."

While neither PO Melo (BR09) nor PO Santos (BR10) could recall whether they found and recovered a dashcam or other recording device from within § 87(2)(b) vehicle, PO Abdelfattah (BR11) acknowledged that he and his partners did find and recover a dashcam within § 87(2)(b) vehicle. PO Abdelfattah stated that either he or one of his partners recovered and vouchered the dashcam, which was kept along with all of § 87(2)(b) other vouchered property recovered during the inventory search. PO Melo (BR09), PO Santos (BR10), and PO Abdelfattah (BR11) denied that they accessed, attempted to access, tampered with, reviewed, erased, or deleted any potential footage stored within § 87(2)(b) dashcam, and noted that the dashcam was placed into a property bag, stored with the rest of § 87(2)(b) effects, and given an invoice number.

Additionally, while their individual recollections varied, PO Melo (BR09), PO Santos (BR10), and PO Abdelfattah (BR11) denied that they intentionally or otherwise left any of § 87(2)(b) vehicle windows rolled down or open, subsequently causing water damage. While PO Melo did not recall any windows being left open after the inventory search, PO Santos and PO Abdelfattah acknowledged that the sunroof, which had been open since the initiation of the vehicle stop, was still open, and without the key fob to § 87(2)(b) vehicle, the officers had no way to start the

subject.

- PO Abdelfattah, a four-year-member-of-service, has had one prior CCRB complaint filed against him, with a total of two allegations, none of which were substantiated (see Officer History). § 87(2)(g)
- PO Ramirez, a seven-year-member-of-service, has not had any prior CCRB complaints filed against him (see Officer History). This is the first CCRB complaint in which PO Ramirez is listed as a subject.
- PO Sandres, a four-year-member-of-service, has had two prior CCRB complaints filed against him, with a total of two allegations, none of which were substantiated (see Officer History). § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This case was not suitable for mediation.
- On July 18, 2022, in response to a FOIL request submitted to the NYC Comptroller's Office, the CCRB obtained a Notice of Claim filed by attorney(s), § 87(2)(b) on behalf of § 87(2)(b) wherein he claims to have suffered, inter alia, false arrest and imprisonment, excessive force, and various constitutional violations, and seeks \$1,000,000 in redress (BR28).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]

Squad: 10

Investigator:	Griffin Sherbert	Inv. Griffin Sherbert	09/28/2022
	Signature	Print Title & Name	Date

Squad Leader:			
	Signature	Print Title & Name	Date

Reviewer:			
	Signature	Print Title & Name	Date